

REMARKS

Applicants have thoroughly considered the Examiner's remarks in the January 16, 2009 Office action and have amended the application to more clearly set forth aspects of the invention. This Amendment C amends claims 1, 11, 22-24 and 26. Claims 9 and 16-21 have been canceled. No new matter has been added.

Claims 1-8, 10-15 and 22-29 are thus presented in the application for further examination. Reconsideration of the application as amended and in view of the following remarks is respectfully requested.

Applicants request that the Examiner now have the drawings as originally filed reviewed and accepted.

Interview Summary

Applicants thank the Examiner for the interview of Monday March 30th. The Applicants communicated the differences between the Applicant's single fidelity number and Li's fidelity feature, and further described the functionality offered by the fidelity tag. The Examiner agreed that the currently amended claim 1 as submitted herewith is distinguishable over the presently cited art of Colson/Li. This Amendment reflects the discussion conducted during the interview.

Claim Rejections Under 35 U.S.C. § 103**Claims 1-6 and 9-21**

Claims 1-6 and 9-21 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Colson et al. (U.S. Patent No. 6,708,217) in view of Li et al. (U.S. Patent No. 6,345,279). Applicants respectfully submit that neither Colson nor Li, alone or in combination, render these claims unpatentable.

As previously agreed by the Examiner, Colson does not anticipate the 'fidelity measure' feature of said claims. Applicants would like to stress that Colson effectively describes a distributed rendering system (see Fig 4A, as cited by the Office Action), wherein each content type is sent to a different rendering device in a distributed network. In contrast, the Applicants recite estimation of rendering ability to the user's computing

device as claimed, which bears little resemblance to the distributed rendering architecture of Colson.

Claim 1 defines fidelity measure as "singularly indicating the total capability of the user device to render of the plurality of multimedia components of the notification" (see specification, paragraph [0031]), where the higher the measure, the more likely the user device can render more multimedia components of the notification.

Li, on the other hand, merely describes a method of adapting multimedia content to a user device where the multimedia content is transcoded into multiple versions of different modalities and resolutions. Li then calculates and defines fidelity as a measure of the veracity of each transcoded version of each content item within the multimedia document when compared to the original (Li, Column 7 lines 35-50, also cited by the Office Action). This is further verified by Li's definition of fidelity V as a function of the distortion induced due to the transcoding (Li, Column 7 lines 54-60, Equation 4).

Li then defines a product of fidelity and resources (denoted as 'R') as a measure for picking one or more transcoded versions of the multimedia content based on allocation of the client device resources (e.g. claim 1 of Li). While Li does form related art, one can appreciate that there is little resemblance between the fidelity measure of Li (accuracy of transcoding) and the fidelity measure of the Applicant's invention (capability of a user device) as defined.

Applicants have amended the claims to more clearly set forth aspects of the invention. Amended independent claims 1 now recites a method for processing a notification, said method comprising, among other things, "accessing, by a user device, a data packet representing the notification, said data packet having a plurality of content type attributes **each defining one multimedia component of a plurality of multimedia components to be rendered by the user device**" and "determining a **single** fidelity measure, said **fidelity measure singularly indicating the total capability of the user device to render the plurality of multimedia components** of the notification". None of the references disclose that a fidelity measure (as defined) is a collective, single measure of the rendering ability of the user device. Again, Colson does not define the rendering ability of the user device but of the distributed system as a whole.

Claim 1 further recites the method as including "**determining a fidelity tag for each content data attribute indicating a preference order** for the non-rendered content data of the each content data attribute" and that "the user device renders the notification **in accordance with the fidelity measure and the fidelity tag**". None of the references describe a fidelity tag of the content data that indicates a processing order of the data relative to other content data. Hence, claim 1 is novel over the prior art.

Similarly, amended claim 11 now claim one or more computer-readable storage media having computer-executable components for processing a notification, said components comprising, among other things, "an interface component to access a data structure representing the notification, said data structure having a plurality of content type fields **each content type field defining one multimedia component of a plurality of multimedia components** to be rendered by the user device" and " a configuration component to determine a **single fidelity measure** of a computing device **singularly indicating the total capability of the user device** to render the **plurality of multimedia components** of the notification". Hence, as argued above for claim 1, amended claim 11 is novel over the cited art.

Claims 2-6 and 10 depend from allowable claim 1; claims 12-15 depend from allowable claim 11 and are allowable for the same reasons. Accordingly, Applicants request that the 35 U.S.C. § 103 rejection be withdrawn.

Claims 5, 17 and 19

Claims 5, 17 and 19 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Colson and Li, in further view of Horvitz et al. (U.S. Patent No. 6,980,993). Claims 17 and 19 stand canceled. Claim 5 depends from allowable independent claim 1 and is novel over Colson/Li as stated above. Even when further combined with Horvitz, the combination does not render claim 5 unpatentable. Accordingly, Applicants request that the 35 U.S.C. § 103 rejection be withdrawn.

Claims 22-25

Claims 22-25 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Colson and Li, in further view of Smith et al., U.S. Patent No. 6,463,462. Applicants

respectfully submit that the combined disclosure of Colson/Li/Smith does not render said claims unpatentable.

Amended independent claim 22 recites a system for processing a notification, said system comprising, among other things "a second memory area to store a single fidelity measure of one or more computing devices associated with the user, said **fidelity measure singularly indicating** the total capability of the user device to render the plurality of multimedia components of the notification". The fidelity measure as defined by the Applicants is novel over Colson and Li as stated above for claim 1, and is also novel over the combined disclosure of Colson/Li/Smith for at least the same reasons. Hence, claim 22 is not anticipated by the prior art. Accordingly, Applicants request that the 35 U.S.C. § 103 rejection be withdrawn.

Claims 7 and 8

Claims 7 and 8 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Colson and Li, in view of Warsta et al. (U.S. Patent Application 2004/0181550). Each of these claims depend from allowable independent claim 1 and are novel over Colson and Li as stated above. Even when further combined with Warsta, the combination does not render said claims unpatentable. Accordingly, Applicants request that the 35 U.S.C. § 103 rejection be withdrawn.

Claims 26-29

Claims 26-29 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Colson and Li, in further view of Montagna et al. (U.S. Patent Application 2004/0242322). Applicants submit that the combined disclosure of Colson/Li/Montagna does not render said claims unpatentable.

Amended independent claim 26 recites a method for processing a notification to be delivered to a game console via a data communication network, said method comprising, among other things, "accessing, prior to delivery of the notification, a data packet representing the notification, said data packet having a plurality of content type attributes **each defining a multimedia component**" and "determining a fidelity measure of a game console based on **the singular capability of the game console to**

process each multimedia component of the notification". Claim 26 further recites that the method includes "**determining a fidelity tag** for each content data attribute indicating a preference order for processing the non-rendered content data of the each content data attribute" and that "the user device renders the notification in accordance with the **fidelity measure and the fidelity tag**". Hence, amended claim 26 cites similar limitations to claim 1, and is allowable over Colson/Li as well as Colson/Li/Montagna for at least the same reasons. Accordingly, Applicants request that the 35 U.S.C. § 103 rejection be withdrawn.

Conclusion

Applicants submit that the claims are allowable for at least the reasons set forth herein. Applicants thus respectfully submit that claims 1-8, 10-15 and 22-29 as presented are in condition for allowance and respectfully request favorable reconsideration of this application.

Although the prior art made of record and not relied upon may be considered pertinent to the disclosure, none of these references anticipates or makes obvious the recited aspects of the invention. The fact that Applicants may not have specifically traversed any particular assertion by the Office should not be construed as indicating Applicants' agreement therewith.

Applicants wish to expedite prosecution of this application. If the Examiner deems the application to not be in condition for allowance, the Examiner is invited and encouraged to telephone the undersigned to discuss making an Examiner's amendment to place the application in condition for allowance.

The Commissioner is hereby authorized to charge any deficiency or overpayment of any required fee during the entire pendency of this application to Deposit Account No. 19-1345.

Respectfully submitted,

/Frank R. Agovino/

Frank R. Agovino, Reg. No. 27,416
SENNIGER POWERS LLP
100 North Broadway, 17th Floor
St. Louis, Missouri 63102
(314) 231-5400

FRA/DXS/tsw
VIA EFS